



**Homeland
Security**

Privacy Office, Mail Stop 0655

December 6, 2011

SENT VIA EMAIL TO: 872-74151730@REQUESTS.MUCKROCK.COM

Mr. Jason Smathers
MuckRock News
Dept MR 872
P.O. Box 55819
Boston MA 02205-5819

Re: 12-OIA-0005

Dear Mr. Smathers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Office of Intelligence and Analysis, dated October 17, 2011, and seeking:

- All records on, about, mentioning, or concerning Anonymous. Records searched should include, but not be limited to reports which are numbered using the numbering system "IA-0000-11" where 11 is the year of the report and 0000 is the number of the report which is updated sequentially. Please search all records created between 1/20/2001 and the date this request is processed.
- Anonymous (used as a mass noun) is a group, spread through the Internet, initiating active civil disobedience, while attempting to maintain anonymity. Originating in 2003 on the imageboard 4chan, the term refers to the the concept of many online community users simultaneously existing as an anarchic, chaotic, global brain.

Your request was received in this office on October 17, 2011 and an acknowledgement letter was emailed to you on October 18, 2011.

Based on the broad description you initially provided, we asked that you to provide us with more information regarding the precise documents of interest in emails to you dated, October 27, 28 and November 10, 2011, to which you did not waiver from your original request and expectations from the Office of Intelligence and Analysis. As your case was in abeyance until you narrowed the scope I have decided that we will proceed with the FOIA request as originally requested and search for responsive records. Upon completion of a search for responsive records we will provided you with the cost associated with your search.


As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that you are entitled to a waiver of fees. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. I used the below factors in considering your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your October 17, 2011 request, you didn't specifically request media status you inferred that the information would be processed by the news media/press and wouldn't be used for commercial use. The reasons stated herein, I have determined that your request for a fee waiver is deficient. You did not indicate how disclosure of the requested information is of current interest to the public or how it supports public oversight of the government. Additionally, since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your request for a fee waiver.

If you have any questions or would like to discuss this matter, please feel free to contact this office at 202-447-4190, and refer to case number **12-OIA-0005**.

Sincerely,



Tony R. Tucker
FOIA Officer